

STAFF REPORT

MAPC: February 23, 2023

DAB VI: March 13, 2023

<u>CASE NUMBER:</u>	ZON2023-00003 and CUP2023-00002 (City)
<u>APPLICANT/AGENT:</u>	CBB Northlakes, LLC (Applicant)/MKEC Engineering (Agent)
<u>REQUESTS:</u>	Minor Amendment to CUP DP-311; Amend Protective Overlay #234; Zone Change to GO General Office District
<u>CURRENT ZONING:</u>	MF-18 Multi-Family Residential District; NR Neighborhood Retail District; LC Limited Commercial District; GO General Office District
<u>SITE SIZE:</u>	38.19 acres
<u>LOCATION:</u>	Generally located on the west side of North Meridian Avenue, west of West Harborlight Street
<u>PROPOSED USE:</u>	Amend CUP boundaries and zone change
<u>RECOMMENDATION:</u>	Approve with conditions



BACKGROUND: The applicant has three requests:

- 1) amend the Moorings Plaza II Community Unit Plan (CUP) DP-311;
- 2) amend Protective Overlay #234; and
- 3) a zone change to GO General Office District.

The subject site is 38.19 acres in size. However, the requested zone change only applies to 6.42 acres. The subject site is currently undeveloped, and the applicant has not specified what will be developed on the property.

Minor Amendment to CUP DP-311

The Moorings Plaza II CUP DP-311 consists of two Parcels which front North Meridian Avenue. Parcel 1 to the north is currently zoned LC Limited Commercial District, and Parcel 2 to the south is currently zoned NR Neighborhood Retail District. The applicant is requesting to remove Parcel 2 and Reserve A from the CUP DP-311. Parcel 2 is currently divided in half by West Harborlight Street, which has yet to be installed west of North Meridian Avenue. The applicant is also requesting to change the zoning of the northern half of Parcel 2 from NR Neighborhood Retail District to GO General Office District. The southern half of Parcel 2 will remain Neighborhood Retail District and will no longer be in CUP DP-311. Parcel 1 will be the remaining property pertaining to CUP DP-311.

Amendment to Protective Overlay #234

The applicant seeks to remove the property to the west of what is currently Parcel 2 of CUP DP-311 from Protective Overlay #234 and change the zoning on that same parcel from MF-18 Multi-Family Residential District to GO General Office District.

With the zone change, CUP amendment, and Protective Overlay amendment, the properties north of West Harborlight Street and West Pierport Street will have a unified zoning of GO General Office District that is outside of CUP DP-311. The southern parcels west of what is currently Parcel 2 of the CUP will remain subject to Protective Overlay #234. The applicant's requested changes to CUP DP-311 are attached to the end of this report.

GO General Office District is generally a more restrictive zoning than NR Neighborhood Retail District. One exception is that of the residential density permitted on site: GO General Office District allows a maximum density of 75.1 dwelling units per acre, while NR Neighborhood Retail District allows a maximum density of 21.8 dwelling units per acre.

Because the properties fronting West Harborlight Street and West Pierpoint Street abut SF-5 Single-Family Residential District zoning on the west and south and are not in CUP DP-311, they will need to adhere to the screening and landscaping requirements set forth in the Unified Zoning Code. Screening shall be not less than six feet nor more than eight feet in height. Landscaping may substitute for screening, provided that a landscape plan shall be submitted to the Planning Department for review and approval.

Properties to the north of the subject site are zoned LC Limited Commercial District and GO General Office District and are currently undeveloped. Properties to the south of the subject site are zoned SF-5 Single-Family Residential District and are both undeveloped and developed with single-family residential dwellings. The developed properties are included in CUP DP-78. Properties to the east are zoned SF-5 Single-Family Residential District and LC Limited Commercial District, which are (with Protective Overlay #351) undeveloped and developed with a commercial building, respectively. Property to the west of the subject site is zoned SF-5 Single-Family Residential District. Some are undeveloped, some are developed with single-family residential dwellings, and some of which are included in CUP DP-78.

CASE HISTORY:

- In 1990, the southern half of what is now CUP DP-311 was granted an exception (Variance) to permit sand and gravel extraction (BZA10-90).
- In 2008, the Wichita City Council approved a zone change request for Parcel 1 from SF-20 Single-Family Residential District to LC Limited Commercial District and for Parcel 2 from SF-20 Single-Family Residential District to NR Neighborhood Retail District (ZON2008-00007). CUP DP-311 was also created during that zone change.
- On June 18, 2009, the Moorings Plaza II Addition subdivision was created.
- On June 19, 2012, the Wichita City Council approved a zone change from SF-5 Single-Family Residential District to GO General Office District and MF-18 Multi-Family Residential District for the western parcels, subject to Protective Overlay #234 (ZON2009-00018).

ADJACENT ZONING AND LAND USE:

North:	LC, GO	Undeveloped
South:	SF-5, SF-5 (CUP DP-78)	Undeveloped, single-family residential dwellings
East:	SF-5, LC with PO #351	Undeveloped, commercial building
West:	SF-5, SF-5 (CUP DP-78)	Undeveloped, single-family residential dwellings

PUBLIC SERVICES: Public water and sewer are nearby but may need to be extended to serve the new development. The site has access to North Meridian Avenue, which is a four-lane arterial street with a sidewalk on the east side. The site will have access to three local streets: West Harborlight Street (west of North Meridian Avenue), West Harborlight Court, and West Pierport Street once they are installed. Wichita Transit does not serve this site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change and CUP amendment are in conformance with the adopted Comprehensive Plan. The Wichita-Sedgwick County Comprehensive Plan within the *Community Investments Plan* identifies the site as a “New Residential” on the Future Growth Map Concept Map, which can be described as follows: “*Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors.*” While the applicant has not specified what will be developed on the subject properties, the requested zone changes permit residential uses and low-intensity commercial uses.

The requested zone change, Protective Overlay amendment, and CUP amendment are in conformance with the Locational Guidelines of the *Community Investments Plan*. The general Development Pattern states that “Higher-density residential uses and neighborhood-serving retail and office uses should buffer lower-density residential uses from major commercial and employment centers and industrial uses.” The MF-18 Multi-Family Residential District zoning will serve as a buffer between the SF-5 Single-Family Residential District zoning and the GO General Office District zoning, which allows higher-density residences.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED**, subject to the following conditions:

1. The Development Guidelines shall be modified to read in accordance with the attached recommended text.
2. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.

3. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is primarily residential or undeveloped. Properties to the north of the subject site are zoned LC Limited Commercial District and GO General Office District and are currently undeveloped. Properties to the south of the subject site are zoned SF-5 Single-Family Residential District and are both undeveloped and developed with single-family residential dwellings. The developed properties belong to CUP DP-78. Properties to the east are zoned SF-5 Single-Family Residential District and LC Limited Commercial District (with Protective Overlay #351) and undeveloped and developed with a commercial building, respectively. Property to the west of the subject site is zoned SF-5 Single-Family Residential District and is undeveloped or developed with single-family residential dwellings, some of which belong to CUP DP-78.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned MF-18 Multi-Family Residential District with Protective Overlay #234, NR Neighborhood Retail District within CUP DP-311, GO General Office District with Protective Overlay #234, and LC Limited Commercial District with CUP DP-311. Parcel 1 within the CUP limits the development on these parcels to commercial uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** CUP DP-311 has been established since 2008 and has proposed mostly commercial uses. Staff anticipates that the removal of restrictions will not have significant detrimental effects on nearby property. The screening and landscaping requirements outside of CUP DP-311, along with the remaining Protective Overlay #234 on the southern parcel outside of CUP DP-311, are designed to mitigate possible negative impacts of commercial development near residential zoning.
4. **Length of time the property has been vacant as currently zoned:** The site has never been developed.
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request will aid in the development of the property that has not been developed under the current zoning restrictions. Denial would represent a loss of economic opportunity to the applicant.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requests for the CUP amendment, Protective Overlay amendment and zone change are in conformance with the *Community Investments Plan*, as identified in the report.
7. **Impact of the proposed development on community facilities:** The new development on previously undeveloped land will likely bring a marginal increase in traffic but is not anticipated to have a significant negative impact on community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, the Planning Department did not receive any support nor opposition from the public.

Attachments:

1. CUP General Provisions
2. Protective Overlay #234 text
3. Recommended CUP Text
4. CUP Drawing
5. Applicant-submitted exhibits
6. Aerial Map
7. Future Land Use Map
8. Zoning Maps
9. Site Pictures

Staff Recommended CUP Text

Staff is in accordance with the applicant and proposes the following amendments to CUP DP-311 in red:

1. Area:
The total development contains ~~49.24~~ 11.26 acres of land more or less.

2. Parcel Descriptions:

Summary:

Total allowable floor ratio = 0.30

Minimum Building Setbacks: (applies to all parcels as shown)

Arterial street setback = 35'

Interior side setback = 10' (See General Provision #8)

Parcel 1

Gross Area = ~~42.18~~ 11.26 Acres or ~~530,355~~ 490,352 square feet

Maximum Height = 35 feet

Maximum Building Coverage = 30%

Maximum Gross Floor Area = 35% or ~~185,624~~ 171,623 square feet

Floor Area Ratio = 0.35

~~Parcel 2~~

~~Gross Area = 6.82 Acres or 297,184 square feet~~

~~Maximum Height = 35 feet~~

~~Maximum Building Coverage = 30%~~

~~Maximum Gross Floor Area = 35% or 104,014 square feet~~

~~Floor Area Ratio = 0.30~~

~~Reserve "A"~~

~~Gross Area = 0.21 Acres or 9305 square feet~~

~~Allowable Building(s) = none~~

3. Permitted Uses on Parcels 1 ~~and 2~~ are as follows:
 - A. The uses permitted by the CUP are only those uses permitted by right and not by Conditional Use.
 - B. Prohibit drive-thru windows (for restaurants, banks, etc.) located within 200 feet of residential zoning and ensure queuing lanes for drive-thru windows do not align vehicle headlights facing residential zoning.

- C. Parcel 1: All uses permitted in Limited Commercial Zoning District, EXCEPT,
1. Group Residence – both General and Limited; Correctional Placement Residence – both General and Limited; Recycling Collection Station, Private; Recycling Collection Station, Utility, Major and Minor; Heliport, Kennel, Boarding/Breeding/Training, Nightclub in the City and County; Pawn Shop; Sexually Oriented Business, Cemetery, All Industrial/Manufacturing/Extractive Uses.
 2. Queuing for drive-thru lanes (restaurants, ATMs etc.) shall not direct vehicle headlights onto the single-family residential lots.
- ~~D. Parcel 2: All uses permitted in Neighborhood Retail Zoning District, EXCEPT,—~~
- ~~1. Group Residence – Limited; Correctional Placement Residence – Limited; Utility, Minor; Pawn Shop; All Industrial/Manufacturing/Extractive Uses.~~
 - ~~2. Queuing for drive thru lanes (restaurants, ATMs etc.) shall not direct vehicle headlights on to single family residential lots.~~
 - ~~3. The Limited Commercial Use of Animal Care, Limited.~~
 - ~~4. All uses permitted in Multi Family 18.~~
4. Architectural Controls:
All buildings within the CUP shall share a uniform architectural character, color and same predominate exterior building material, as approved by the Director of Planning. The building(s) walls shall not utilize metal as a predominant exterior façade material.
5. Landscaping for this site shall be required as follows:
- A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape material and shall be in accordance with the City of Wichita Landscape Ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Metropolitan Area Planning Department (MAPD) for its review and approval prior to the issuance of any building permit(s).
 - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the CUP being developed shall be required prior to the issuance of any occupancy permit, if the required landscape has not been planted.
6. Lighting:
- A. Lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV.
 - B. All Parcels shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.), as approved by the Director of the MAPD.
 - C. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential uses.
 - D. Light poles include above ground base shall be limited to 25 feet tall, except 15 feet tall when within 100 feet of residential zoning or residential uses.
 - E. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
7. Screening for this site shall be required as follows:

- A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials; and as per Wichita-Sedgwick County Unified Zoning Code.
 - B. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) façade hiding them from ground view.
 - C. Unless otherwise noted, Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
 - D. Outdoor display and storage is also subject to all conditions of Section III-B.14.e for all Parcels.
 - ~~E.~~ A screening wall in conformance with Section III-C.2.b shall be constructed along the west lines of Parcels 1 ~~and 2~~. A masonry wall will be installed along the north side of Parcel 1, unless the abutting northern property is rezoned to a non-residential zoning. ~~The berming and landscaping within Reserve "A" shall consist of evergreens placed at minimum rate of one tree per 15 feet of property line atop a minimum of three foot high berm.~~
 - F. Masonry walls as located/stated above shall be constructed at least six feet but not more than eight feet high. They shall consist of a solid wall constructed of brick, stone, masonry, architectural tile, or other similar material (not including wood or woven wicker). Construction of the walls will require a building permit(s). No wall shall be constructed in a utility easement, however utilities may cross the wall at various locations. Wall openings may be permitted allowing pedestrian access. The wall opening(s) shall be determined and approved by the director of planning prior to the issuance of the building permit(s).
8. Setbacks:
Setbacks are as indicated on the CUP drawing or as specified in Wichita-Sedgwick County Unified Zoning Code. If contiguous Parcels are to be developed under the same ownership, setbacks between those Parcels will not be required.
9. Parking:
All Parcels, shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV-A, unless otherwise specified.
10. Signs: As permitted under the Sign Code of the City of Wichita. Additionally, the following conditions apply:
- A. All Parcels are subject to the requirements of the Sign Code for the City of Wichita for LC Zoning District except as noted herewith.
 - B. No flashing, moving, portable, offsite-billboards, banner, or pennant signs shall be permitted (except for signs showing time and temperature).
 - C. Ground signs shall all consist of monument style signs and share similar elements of design. Two (2) signs along North Meridian Avenue shall have a maximum height of 25 feet and a maximum sign face area of 120 square feet to be used for development identification as well as tenant signs for tenants within the CUP. These two signs shall not be placed closer than 375 to one another along N. Meridian Avenue. Additional monument signs shall have a maximum height of 10 feet and a maximum sign face area of 120 square feet.

- D. Signs shall be spaced a minimum distance of 150 feet apart, provided however, that this spacing may be reduced to 100 feet between the development identification sign(s) and the adjacent monument sign. However, calculations of the maximum number of sign locations per street frontage shall be based on a distance separation of 150 feet between sign locations allowing a maximum of ten (10) signs on North Meridian Avenue and no signs along Keywest Street.
 - E. The total amount of sign face area of freestanding signage along the arterial street shall not exceed 0.8 times the linear frontage of North Meridian Avenue.
 - F. No signs shall be allowed to face the single family residential lots to the south and or west.
 - G. Window signage shall be limited to 25% of window area.
11. The following transportation improvements and Parcel access shall be provided:
- A. Cross lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between Parcels within the CUP.
 - B. Guarantees for specific street improvements shall be determined at the time of final platting.
 - C. An overall site circulation plan shall be submitted for review and approval by the Director of Planning, in concurrence with the Zoning Administrator and Traffic Engineer.
 - D. The traffic circulation plan shall assure smooth internal vehicular movements, joint use of ingress/egress openings as required by the Access Management Policy, and ensure that the main drives are not blocked by parking spaces directly backing onto the main drive aisles. The pedestrian circulation system shall connect buildings of similar usage within the development to each other and to the arterial sidewalks on Meridian Avenue; and may connect to adjoining properties.
 - E. A site traffic and pedestrian circulation plan for each parcel, upon request for a building permit, shall be reviewed for compliance with the overall site traffic and pedestrian circulation plan.
12. Grading Plan:
A lot grading plan will be prepared in conformance with the Drainage Concept Plan for review prior to the issuance of a Building Permit.
13. No occupancy permits shall be issued for any development without services by municipal water and sewer services.
- ~~14. Reserve:
Reserve "A" is designated for open space/screening, sidewalks, berms, landscaping, irrigation, and utilities confined by easements. A drive accessing Parcel 2 is allowed from Keywest Street within the east most 250 feet.~~
14. All proposed utilities shall be installed underground.
15. Final determination of minimum pad elevations (at least 2 feet higher than the 100 year flood elevation), street right(s)-of-way, easements, and pavement widths on public private streets shall be resolves at the time of final platting.

16. Title:

The transfer of the title on all or any portion of the land included in the Community Unit Plan does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns as amended. However, the Director of the MAPD, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal ordinance amendment.

17. The development of the property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
18. Any major changes within this Community Development Plan shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations to the CUP shall be done in accordance with the Unified Zoning Code.

Protective Overlay Provisions for the GO General Office (“GO”) parcel

1. Architectural Controls:

All office buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior façade material. If developed in conjunction with the adjoining MF-18 parcel, the buildings shall share a uniform architectural character, color, and same predominate exterior building material.
2. Landscaping for this parcel shall be required as follows:
 - A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.
3. Lighting:
 - A. The parcel shall share similar or consistent parking lot lighting requirements (i.e. fixtures, poles and lamps and etc.).
 - B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
 - C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
4. Screening:
 - A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials.
 - B. Trash receptables, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) façade hiding them from ground view.
 - C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
5. Setbacks:

Setbacks will be specified in Article III, Section III-C.2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.
6. Building Height:

Shall be as per SF-5 Single-Family Zoning District
7. Use Restrictions:

No correctional placement residences, no asphalt or concrete plant limited.

Protective Overlay Provisions for MF-18 Multi-family Residential (“MF-18”) parcel

1. Architectural Controls:

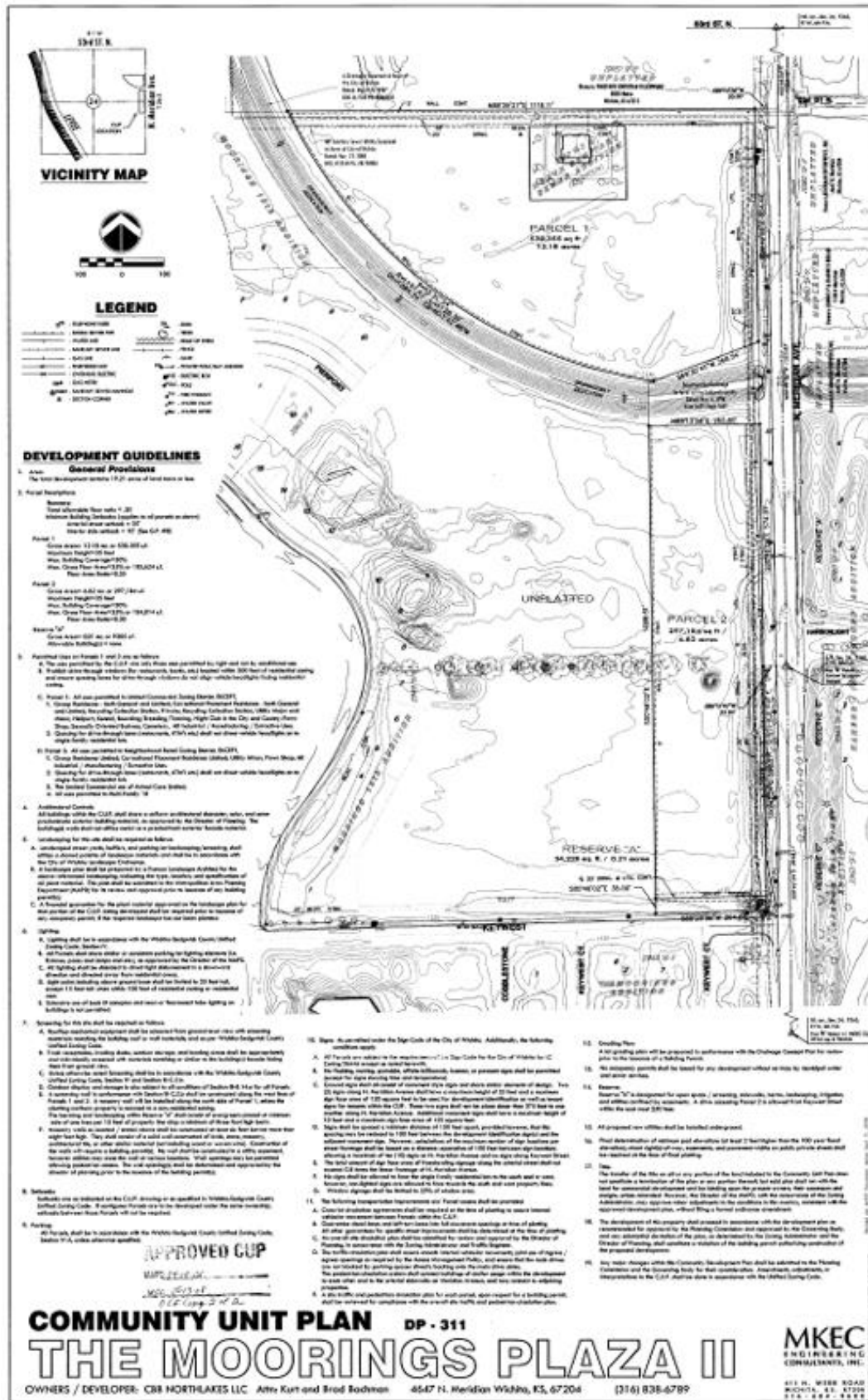
Assisted Living buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior façade material.
2. Landscaping for this parcel shall be required as follows:
 - A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscaped materials and shall be in accordance with the City of Wichita Landscape Ordinance.

- B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of plant material.
- 3. Lighting:
 - A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
 - B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
 - C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
 - D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- 4. Screening:
 - A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials; and as per Wichita-Sedgwick County Unified Zoning Code.
 - B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) façade hiding them from ground view.
 - C. Unless otherwise noted Screening shall be in according to the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
- 5. Setbacks:

Setbacks will be specified in Article III, Section III-C.2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.
- 6. Building Height:

Shall be as per SF-5 Single-family Zoning District
- 7. Use Restrictions:

No asphalt or concrete plant limited.





Legend

- ### Statistical Development Areas

- ## LAND USE

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Looking north towards site



Looking east away from site



Looking south towards site



Looking west towards site

